Supreme Court, U.S.
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No.

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM LEE BOWERSOCK,

Petitioner,

versus

CITY OF LIMA,

and

AMY HARPSTER,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
THE SIXTH CIRCUIT COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

WILLIAM LEE BOWERSOCK, pro se
In Propria Persona
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Pro Se for Petitioner

QUESTIONS PRESENTED

1. Must a civil complaint at law structure according to the liking of the United States court judges as opposed to the creation of the party in litigation presenting the civil complaint when it would in all likelihood appear the civil complaint meets the criteria of a complaint?

2. Is a municipal government in these United States of America allowed to violate a citizen's rights to due process?

3. Is a municipal government at liberty to violate The Constitutional rights of a citizen of these United States of America?

4. Can a municipal government in these United States of America extort, seize, impound, and destroy a party's personal property without due process or just cause?

LIST OF PARTIES

The parties herein:

William Lee Bowersock.....Plaintiff

City of Lima.....Defendant

Amy Harpster.....Defendant .

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PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

The opinions sought to be reviewed are that of William Lee Bowersock versus City of Lima and Amy Harpster, (Circuit Court Number 04-4279) entered on July 27, 2005, and The U.S. Northern District of Ohio, (District Court Number 04-07221).

JURISDICTION

This is a case arising under The Constitution of the United States in the Fourteenth Amendment with the support of Civil Action for Deprivation of Rights 42 USC section 1981.

The Notice of Appeal was filed October 8, 2004.

The jurisdiction of the Supreme Court of the United States is conferred by Rule 19 along with Rules 12, 13, and 14 of the Supreme Court of The United States of America and 28 USC section 2101.

STATUTE

The statute primary to this case are Equal Rights Under the Law, 42 USC section 1983 supported by the U.S. Constitution in the Fourteenth Amendment at section 1.

STATEMENT OF THE CASE

The petitioner has maintained a residence at 1806 Lakewood Avenue in Lima, Ohio since August of 1967. That's a time frame of more than thirty-eight, (38) years. During this time frame, the City of Lima has been rather snobbish toward

the petitioner with demeaning, harassing remarks, trespassing by Amy Harpster and others resulting in definite stress where it is fair to expect the quiet enjoyment of a person's real and personal property. The resulting stress culminated in the petitioner succumbing to an aorta dissection in September of 2003. The petitioner was demised for three, (3) days before returning to life. Still, the City of Lima, and Amy Harpster continue the barrage. Your petitioner likened the situation to how the storm troopers of the Third Reich operated in World War II. The City of Lima, Amy Harpster, and others have damaged the petitioner by extorting, seizing, impounding, and destroying petitioner's personal property without due process or of any just cause.

ARGUMENT

The petitioner stands by his original complaint. The complaint of petitioner said it best and worst about the situation in which petitioner has certain rights in the American way toward a life style. Our rights are best spelled-out by our Constitution and the accompanying United States Code as aforementioned in Statute. The facts are that petitioner is a veteran of United States Army with discharge for physical disability. The aorta dissection presents life with further physical disability. The petitioner optimistic with positive attitude and being an overa= chiever will overcome the bully approach of the City of Lima and Amy Harpster. Calling-in the courts should be like calling in the artillery.

CONCLUSION

The petitioner respectfully requests that his petition for writ of certiorari be granted, the orders of the courts below be set aside, and that the case be remanded in the interest of fair and impartial justice.

REASONS FOR GRANTING THE WRIT

The City of Lima and Amy Harpster have been in an unilateral mode to extort, seize, impound, and destroy citizens' property. It is other than likely that anyone else has ever challenged or contested their unlawful action. And, over twenty-five thousand, (25,000) citizens have been affected by the unlawful action.

At one time past, the City of Lima was a thriving community with population approaching sixty thousand, (60,000). Now, the population is only around forty thousand, (40,000). The City of Lima is driving citizens away by their unlawful tactics of taking citizens' rights without the mode in which our Constitution defines our rights.

At one time in history, a Queen of France was reported to have said that if the French people were unable to afford bread, then let the people eat cake. Such a calloused, thoughtless statement is in very similar to what your petitioner was describing in his original filing of complaint in the case herein.

12/30/05 William Lee Bowersock

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APPENDIX

App. 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

WILLIAM LEE BOWERSOCK,
Plaintiff,

v.

THE CITY OF LIMA, et al.,
Defendants.

CASE NO. 3:04 CV 7221

JUDGE DAVID A. KATZ

OPINION AND ORDER

On December 7, 1999, plaintiff pro se William Lee Bowersock filed this action against the City of Lima and Amy Harpster. While unclear, the complaint asserts defendants have "demeaned, harassed (and) stressed the plaintiff," and alleges, inter alia, that: a water meter removed from plaintiff's property was never returned; plaintiff's water was shut off at another property; the water may be unfit to drink; and, defendants referred to personal property of plaintiff's as "junk." In an entry dated May 6, 2004, plaintiff was notified that there were no facts alleged in the complaint which could be construed to set forth a valid federal claim for relief, and was ordered to file an amended complaint setting forth a valid claim within 15 days. Plaintiff has neither filed an amended complaint nor sought additional time to do so.

Principles requiring generous construction of pro se pleadings are not without limits. Beaudett v. City of Hampton,

775 F.2d 1274, 1277 (4th Cir. 1985). District courts are not required to conjure up questions never squarely presented to them or to construct full blown claims from sentence fragments. Id. at 1278. To do so would "require ...(the courts) to explore exhaustively all potential claims of a pro se plaintiff, ...(and) would transform the district court from its legitimate advisory role to the improper role of an advocate seeking out the strongest arguments and most successful strategies for a party." Id. at 1278.

Further, legal conclusions alone are not sufficient to present a valid claim, and this court is not required to accept unwarranted factual inferences. Morgan v. Church's Fried Chicken, 829 F.2d 10, 12 (6th Cir. 1987); see also, Place v. Shepherd, 446 F.2d 1239 (6th Cir. 1971) (conclusory section 1983 claim dismissed). Even liberally construed, the complaint simply does not contain allegations reasonably suggesting plaintiff might have a valid federal claim against these defendants.

Accordingly, this action is dismissed. Further, the court certifies, pursuant to 28 u.S.C. section 1915(a)(3) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/David A. Katz
DAVID A. KATZ
U.S. DISTRICT JUDGE

App. 3

No. 04-4279

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WILLIAM LEE BOWERSOCK,
Plaintiff-Appellant,

v.

CITY OF LIMA; AMY HARPSTER,
Defendants-Appellees.

ORDER

Before: BOGGS, Chief Judge; BATCHELDER, Circuit Judge; GADOLA, District Judge.*

William Lee Bowersock, an Ohio citizen, appeals pro se a district court order denying a post-judgment motion. This case has been refferred to a panel of the court pursuant to Rule 34(j)(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App.P.34(a).

Bowersock filed a complaint against the City of Lima, Ohio, and a city employee. The complaint alleged that defendants had shut off the water service to his property and trespassed on his property. The district court entered an order on May 6, 2004 requiring Bowersock to file an amended complaint which stated a basis for the court's jurisdiction, or the case would be dismissed. Defendants nevertheless filed an answer to the complaint. When no amended complaint was filed, the district court dismissed the action on June 3, 2004.

Bowersock filed a motion to reopen the

case on August 2, 2004, alleging that health problems had prevented him from amending his complaint as required by the district court's May order. However, no amended complaint was submitted The district court denied the motion, noting that Bowersock had not explained why he did not move for an extension to file an amended complaint before the case was dismissed. The district court also denied a subsequent motion for reconsideration of its order, which also did not address the problem cited by the court, or contain an amended complaint.

In his brief on appeal, Bowersock argues that the defendant employee did not file an answer to the complaint, that no discovery was conducted, and that the district court was guilty of age and disability discrimination.

Bowersock's post-judgment motion, filed approximately two months after his case had been dismissed, is best construed as a motion for relie. from judgment pursuant to Federal Rule of Civil Procedure 60(b). Denial of a motion for relief under Rule 60(b) is reviewed for an abuse of discretion. Hood v. Hood, 59F.3d 40,42(6th Cir. 1995). No abuse of discretion is apparent in this case. Bowersock was given an opportunity to amend his complaint. He did not avail himself of that opportunity or request an extension of time. Two months after the case was dismissed, he moved to reopen it. However, as the district court noted, Bowersock did not explain why he could not have requested an extension before the dismissal. Nor